

October 20, 2014

PRESENT: Philip Bean, Chairman
Mary-Louise Woolsey, Vice-Chairman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Jim Waddell, Selectman
James Sullivan, Acting Town Manager

SALUTE TO THE FLAG

I. Public Comment Period (4:33)

Charlie Preston, 47 Glade Path, spoke about the parking issues generally at the beach and in the public parking lots; suggested ideas to accommodate the need for parking for employees of the businesses in the area.

Jay Diener, 206 Woodland Road and of the Conservation Commission, spoke to advocate for the request of posting signs at Whites Lane and Jonty's Lane; public safety issue; signage to remind hunters that they shouldn't be discharging a firearm within 300 feet of an occupied dwelling; remind hikers not to go into that area during the hunting season; temporary only during the hunting season.

II. Announcements and Community Calendar (11:41)

Selectman Woolsey stated: send large round of applause to the residents, business owners and visitors around 836 Lafayette Road that showed up organized at the Zoning Board meeting to advocate for their quality of life.

Selectman Griffin asked: what are you referring to? Selectman Woolsey answered: it was the Zoning Board meeting and a request for a variance. Selectman Griffin asked: so when is it? Selectman Woolsey answered: it was the most recent meeting last week.

Selectman Bridle announced that the Friends of the Grist Mill Pond will hold a public information session on Thursday, October 23, 2014 from 6:30-8:00pm at the Lane Memorial Library; like public input and to exchange ideas; the Town auction was this weekend; it a profitable event for the Town.

Chairman Bean stated: thank everyone who participated in the auction.

III. Consent Agenda (14:30)

1. "No Parking" from 24 Battcock Ave to 15 Jo-Ann Lane for a distance of 94 feet.
2. Property Tax Payment Agreement: 32 Ashworth Avenue #316 Parcel # 282-183-316; 27 River Avenue Parcel 296-139-1.

3. Parade & Public Gathering License - Experience Hampton "Christmas Parade" 12/06
4. Street Closure Permit for Route 1 - Experience Hampton "Christmas Parade" 12/06
5. Request for Posted Signage for Hunting Season at Whites Lane and Jonty's Lane
6. Entertainment License and Posted Permit: Ron Jillian's Italian Bar and Grill 853 Lafayette Road
7. Land Use Change Tax Agreement – Sustainable Ales 105 Towle Farm Road

Selectman Woolsey MOVED the Consent Agenda SECONDED by Selectman Griffin.

VOTE: 5-0-0

IV. Appointments (14:38)

1. Dyana Martin, Director Parks and Recreation

a. Departmental Update

Ms. Martin stated: parks employees have been excellent again this year and working hard with lining fields, examining playgrounds, started painting the new garage; TruGreen Chemlawn has completed maintenance for the town; working on the bid for the lights; hoping lights will be in this week; Public Works is helping with the project; hopefully the whole project will be done in the next two weeks; put up the new signs; sealed all the memorial benches around town; parking lots did great this year under the leadership of Victor DeMarco and Kendall Ells; so far parking lots have made \$513,901; still six concerts to go; had one of the best camp seasons ever; all the camp weeks were full; summer programming has ended and fall programming has begun; offering a Turkey Luncheon along with the St. James Lodge for the seniors on December 4, 2014; tickets are free; pick tickets up at the Recreation Department office; taking registration for New York City day trip, Portland Symphony Orchestra, Freeport Shopping trip, and Merrimack Shopping trip; set up a trip to the Currier Museum; set up trip to see Frozen in Boston and it's already sold out; Applefest is at the Trinity Episcopal Church Hobbs House from 1-3pm for seniors; tickets are free; Halloween Festival at Tuck Field on Friday, October 31, 2014 from 3-5pm for grades 1 through 5; Trick or Treat is Friday, October 31, 2014 from 5:30-8:00pm; ongoing programs now taking registrations for are bingo, bone builders, bridge, Hampton walkers, and yoga classes; taking registrations for the ski & ride program at Cranmore; high school hoops league will start up in December; set up and taking registrations for the Oxford Casino trips in Maine; Tour of Lights will, be held December 16 and 17, 2014; judging for the holiday lights contest will be December; hosting annual tree lighting ceremony on December 5, 2014 starting at 6:30pm; offering theater trip to Boston to see Motown on January 31, 2015 at the Boston Opera House; offering trip to the Magic of Christmas on Saturday, December 13, 2014 at the Portland Symphony Merrill Auditorium; set up a trip to Celtic Thunder in April; the decal program the Town Clerk is running helped children attend camp that wouldn't have been able to; thanked the residents; received donations from Loco Sports and the Rotary for the skateboard park; received three baskets for the Easter Egg Dig from Playland Arcade; many donations to offset costs for the road race including Hannaford, Shaw's, Seacoast Coke, Knowles Tree Service, Commonwealth Glass and Mirror, Al's Seafood, Ben's Auto Body, JCS Special Commodities, Fly Navy, Casey Durgin Photography, Shark 102.1, Kay's Café at the Galley Hatch, the Community Oven, Red Shoe Barn, Loco Coco's, 401 Tavern, Framingham Elks, and Winnacunnet High School.

Selectman Woolsey asked: the park at Five Corners has been neglected; it has three or four dead trees; can we put it on the radar for the coming year? Ms. Martin answered: have some quotes for those trees.

Selectman Woolsey stated: need to get rid of the trees and spruce up the park; it's a great little park; the little wedge of land at the end of Locke Road and Winnacunnet Road looks fantastic; Ben Moore and his wife work on that every year.

Ms. Martin stated: tried to get information on the grass there.

Selectman Griffin stated: glad to hear so many events going on and how successful they seem to be.

Selectman Bridle stated: and they aren't all for children; have for seniors and for regular adults that aren't quite so senior yet.

Ms. Martin commented: part of our mission statement is that we try to offer at least something for everybody.

Selectman Waddell stated: excellent.

Chairman Bean stated: outstanding work.

2. Keith Noyes, Director DPW and Chris Jacobs, Deputy Director DPW (27:36)

a. High Street/Lafayette Road Drainage Project

Mr. Jacobs stated: started out as a summer thunderstorm back in 2011 that flooded out the buildings; section drains towards their businesses; pipe capacity is undersized; the Board through Planning and Public Works Director at the time came up with an estimate; applied for approximately \$200,000 funding; \$149,000 from the Feds and \$49,000 and change from the town; the grant agreement was signed back on 4/23/12; when they put the scope together they forgot about the town ordinances; thought that a lot of that work could be done in-house; it cannot because of the size of the pipe that needs to be replaced and the size of the equipment it would need; project was bid out; came in well in excess of the monies that were allotted; lowest bid came in at \$398,975 and another at \$477,575; reasons are anticipating concern with traffic being maintained; size of the project was a small job for company with proper equipment; didn't attract say Audley or contractors of that caliber; money expires March 8, 2015; wrote letter asking to extend that; they wrote back asking for more information; tough part about a FEMA grant is they expect what is in the project to be followed; if it runs over it's at the town's cost; it's either an all go or a no go; have a number of options; could rebid the work, rebid this attached to Exeter Road project, or table the project until ready to replace the sewer lines; makes sense to do the sewer replacement and drainage at the same time; that's beyond our budgets means.

Selectman Woolsey asked: the project has to be done; heavily traveled intersection; road is going to pot fast; love to see it as part of the major sewer project; what you have outlined is a good first step; have got to get going on it; have a big challenge because of the confined space; are we going to be able to make space in the town parking lot for equipment that is needed; nowhere else to go? Mr. Jacobs answered: that was not a problem for them; go around the corner to get a load; that methodology is what leads to the increased cost.

Selectman Woolsey stated: with the volume of traffic through there all the time; assuming you're doing it offseason; going to have to divert traffic? Mr. Jacobs stated: one of the things Keith outlined in option one is a traffic management plan; would give reasonable access while giving a bigger working area; giving them the middle lane with either the right or left lane would probably make it go quicker and smoother.

Selectman Woolsey asked: could you shut the whole thing down and divert down Towle Avenue? Acting Town Manager Sullivan answered: probably not with the size of the trucks that need to go through there; it would be a challenge. Mr. Jacobs answered: not an option given the amount of traffic through there.

Selectman Woolsey stated: terrible space to work in. Mr. Jacobs stated: businesses have to stay open; has to be some flexibility.

Selectman Griffin stated: you're presenting it differently than it was presented to the other Board; remember there being talk about it being done with High Street; Fred probably would have a lot of information on why the decisions were made.

Selectman Bridle stated: an area that definitely needs work; possibility to go out and bid again; may be someone else that may want to bid on it; not opposed to the idea of tying it into Exeter Road; drainage go through Depot Square; is that on a right away? Mr. Jacobs answered: yes.

Selectman Bridle stated: had issues with the person and that easement before; make sure we address that too; need to see if we can get another price on it. Mr. Noyes stated: would have to provide some additional funding that we don't have right now; had a hard time to get two contractors interested in the project; when we did the pre-bid only had five contractors show up and only two placed bids; they are going to want to make sure funding is assured before they do all the work to place a bid; wouldn't make sense to rebid it until we had funding; would have to have a warrant article or put it in the operating budget.

Selectman Bridle stated: maybe we come up with a warrant article for a balance of this; too bad we'd lose the \$149,000; maybe that's what we need to do.

Selectman Waddell asked: you guys are the experts; if we get the year's extension, do you think we'll get that? Mr. Jacobs answered: if we rebid it or intending to put a warrant article together the probability of the extension is good; if no additional funding or warrant article they'll probably look and say somebody else could use the money.

Selectman Waddell stated: don't want to lose the money. Mr. Noyes stated: if we did it as part of a larger sized project, not advocating to include it in the Exeter Road project, just putting it as an option, probably realize that in savings anyway.

Selectman Waddell asked: if we don't rebid it we have to come up with the money ourselves; there are no other grants to go for. Mr. Jacobs answered: right; you could always reapply; it took two or three years to get this money.

Selectman Waddell asked: if it were put off for a few years? Mr. Jacobs answered: if it were put off for a few years the risk is the flooding of those businesses again.

Chairman Bean asked: CMA is conducting this process; how much have they been paid to get us where they are at today? Mr. Noyes answered: believe its \$35,000-45,000.

Chairman Bean asked: specifically for this? Mr. Noyes answered: yes.

Chairman Bean stated: making good money; not seeing really great results; contract signed two and a half years ago; completion date was to be 2015; there is a \$150,000 of free money; Chairman at the time was Mr. Nichols; there was a legal contract; talks about our options, obligations, data; talks about money spent, telephones, records, emails; what we have been doing for two and half years to move this project along; secured \$149,156 of money to the town of Hampton; there is a litigation officer; letter to you folks; suggest one drive up to Concord tomorrow to meet with him; put this back on the front burner; CMA talked about bid estimates; saying it was going to be \$250,000; they are \$150,000 off; jeopardizing the free money to tax payers; need to reexamine our confidence in that assistance; you place more confidence in them than others do; bids have come in and they are nowhere near what CMA has said they were supposed to come in at; a firm hearing advocacy for to take over the Exeter Road job; they have built in contingencies upwards of seven figures; it's too much wobble; there is no room for that kind of error especially from engineering; we've repaved Route 1, State has repaired the sea wall, is it congested, yes; is it that complex, no; CMA has contacted both bidders to discuss their bids; one of the bidders has not returned their phone calls; don't know who is running this train; talk about contractors that want funding assured; the tax payers want \$150,000 assured when it is granted; need a good bid price and we are not getting that; so far paid this firm \$80,000 and based on the product seen; someone needs to get to Concord and get this back on the burner; need to expand our search for engineering support; need to go outside of CMA's realm of influence and look at other contractors; it may be congested but it's not brain surgery; don't think the tax payer is being served by this; sent you that email; would like all that data and finish work project to date; the town has paid \$45,000 for the Exeter Road project to date and nobody has seen it yet people are advocating bonds upwards of \$5,000,000; need to really up this game.

Selectman Griffin asked: is CMA the town engineer? Mr. Noyes answered: yes.

Selectman Griffin stated: know a lot of questions have been asked and discussed about CMA at the Planning Board at times; just questioning that; think the Planning Board might be able to give some advice; maybe have some information coming in from there; one person to find out information about that would be Laurie Olivier; she investigated what our relationship with CMA is I believe; when I said High Street I meant Exeter Road; remember something about different businesses there tying in their sump pumps; did that have anything to do with this? Mr. Noyes stated: it could; that would be available to them.

Selectman Griffin stated: Fred had a lot of information about that. Mr. Noyes stated: since I've been here, been advocating with every Board not to be bidding in engineering services; town policy is you bid in engineering services unless they are part of a state or federal grant; when you bid engineering services you get what you pay for; have to take the low bid for the most part; familiar with what most towns do, it's a RFQ process; put out a request for qualifications statement; invite engineers to come in and do interviews; select engineering firm based on the engineers working on the project rather than just the firm; against the law to bid for engineering services with state or federal; have to go through an RFQ process; Church Street Station went through an RFQ process; fired the low bid for the Church Street because of poor performance.

Selectman Woolsey stated: great point; haven't been happy with the product seen; need to talk about this.

Selectman Waddell stated: need to work with you guys and come up with the right engineering firm to do it; you have the expertise in that area; don't want to lose the money; hang onto that grant.

Acting Town Manager Sullivan stated: assist them with the grant issue in granting to that extension; want to continue this project but because funding didn't come in as targeted we're pursuing other options; will help them when seeking the extension that the Board is serious about the solution to the project.

Selectman Bridle MOVED to approve the DPW Director to seek the extension from FEMA for the Hazard Mitigation Grant for the High Street/Lafayette Road Drainage Project SECONDED by Selectman Waddell.

VOTE: 5-0-0

V. Approval of Minutes (55:10)

1. September 29, 2014

Selectman Woolsey MOVED to approve the September 29, 2014 minutes SECONDED by Selectman Waddell.

VOTE: 5-0-0

2. October 06, 2014

Page 2: 1st Sentence add the word "than" before the word "in"

Page 14: Vote for the Animal Control budget – Replace the word "Patrol" with "Control".

Selectman Woolsey MOVED to approve the October 06, 2014 minutes SECONDED by Selectman Griffin.

VOTE: 5-0-0

VI. Town Manager's Report

1. The Town had received a complaint from residents on Battcock Ave, Jo-Ann Lane, and Susan Lane regarding problems with Beach visitors who park in this area to avoid paying parking fees and who tend to dispose of their trash by throwing it on the abutting Town and resident's property. Public Works has been requested to clean up the mess. It is recommended that this area be made NO PARKING in order to avoid these issues and to save tax dollars from the cleanup and to assist the residents who have been forced to clean up their own properties.
2. The Town conducted the Annual Auction this past weekend. A special Thank You to Past Selectman Bill Lally who conducted the activity.
3. The Annual Budget Books have been released to the Budget Committee for their use in the scheduled review of coming Town expenses.
4. Last, but not least, I am pleased to report that I have appointed Richard Sawyer to be the next Chief of Police of the Town of Hampton in accordance with RSA 37.

Acting Town Manager Sullivan added: will be a swearing in Richard Sawyer as Police Chief at the meeting on November 3, 2014.

Selectman Woolsey asked: 836 Rear Lafayette Road when watching the Zoning Board meeting, apparently when Route 1 was rebuilt the state authorized the construction crews to use the lot as a dumping ground for leftover materials; it's a disgrace; should have been taken offsite and disposed of properly; it had a wildlife pond; area has been decimated; would like to follow up with that; would like state to restore that for the town.

VII. New Business (1:00:19)

Selectman Woolsey stated: noticed there has been an exchange of emails between Town Counsel and the Division of Charitable Trust in Concord.

Chairman Bean asked: are you sure this isn't violating confidentiality; my understanding it's between two attorneys? Selectman Woolsey stated: going to make a generic comment; the issue has been the trust funds which are public monies; handled by an independent, elected board of public officials; if there have been questions from members of the public in areas of administering the trust funds; consider it public information; Trustees of the Trust funds have no more right to hide behind privileges than we have; can't excuse ourselves if there are public criticisms of the Board; have to sit here and take it and it's done in public; appears the emails relate to the administration from a public body of public money; see no reason why that constitutes confidentiality; know attorneys are involved which is fine; these are two public entities.

Chairman Bean stated: don't assert any; just don't know; examining my email here; don't see that so must be hard copied. Selectman Woolsey stated: says statement of confidentiality.

Chairman Bean asked: can we just postpone this until next week? Selectman Woolsey answered: okay; just thought I'd bring it up; concerned because the issues are between two public bodies. Chairman Bean stated: I agree with you; bring it up at the next meeting.

VIII. Old Business (1:03:35)

Selectman Woolsey stated: thinking about holidays; in my line of work we have six a year; looked up the Postal Service and counted eleven holidays here; twelve when it's an election year; wondering if we want to give some thought into if we want to maintain, it's costly, such a large number of holidays as far as local government is concerned; paying for holiday time; there is a range in private business; thanked Fred for the letters he did to the Greenlands development; notice we have a response.

Selectman Griffin stated: question the holidays; isn't that a union issue? Acting Town Manager Sullivan stated: it's intertwined with that yes.

Selectman Waddell stated: agree on the neighborhood thing, Fred did a great job in approaching that in a civil manner; it was handled nicely; seems to be resolved.

IX. Closing Comments (1:05:53)

Chairman Bean stated: immediately upon conclusion of this public meeting the board will enter into non-public session under RSA 91-A:3, II (a) & (c) and under RSA 91-A:2, I.

~~Chairman Bean stated: immediately upon conclusion of this public meeting the board will enter into non-meeting with Legal Counsel under RSA 91-A:2, I.(b).~~

X. Adjournment (1:06:20)

Selectman Waddell MOVED to ADJOURN the public meeting at 08:02PM ~~and enter into a non-public meeting under RSA 91-A:3, II (a) & (c) and under RSA 91-A:2, I (a)~~
SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman

Supplement: Recognizing that it had not made the requisite motion or taken a roll call vote, the Board did not enter into a non-public session under RSA 91-A:3, II (a) & (c) and instead met with legal counsel in a non-meeting under RSA 91-A:2, I (b).